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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,411	03/09/2001	Dominik J. Schmidt		5439
21906	7590	04/05/2005		
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			EXAMINER PHU, SANH D	
			ART UNIT 2682	PAPER NUMBER

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/802,411

Applicant(s)

SCHMIDT, DOMINIK J.

Examiner

Sanh D Phu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,7-12 and 16-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-12 and 16-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 12/16/04.

#### *Double Patenting*

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-2, 7-12, 16-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/973579 in view of Glebov et al (6,603,915).

This is a provisional obviousness-type double patenting rejection.

Regarding to claims 1-2,7-10, are rejected by the claims 1-10 of the copending application No. 09/973579 except for multiple Digital Signal Processing (DSP) and multiple CPU.

Glebov discloses multiple Digital Signal Processing and multiple CPU (see col. 8, lines 14-28).

Therefore, it would have been obvious for one skill in the art to implement the substrate, as taught by Glebov in to the claims 1-10 of No. 09/973579, in order to control and store signals so that the substrate is able to perform the function quicker and better.

Regarding to claims 11-12,16-20, are rejected by the claims 11-20 of the copending application No. 09/973579 except for multiple Digital Signal Processing (DSP) and multiple CPU.

Glebov discloses multiple Digital Signal Processing (DSP) and multiple CPU (see col. 8, lines 14-28).

Therefore, it would have been obvious for one skill in the art to implement the substrate, as taught by Glebov in to the claims 1-10 of No.

09/973579, in order to control and store signals so that the substrate is able to perform the function quicker and better.

4. Claims 21–28 are provisionally rejected under the judicially created doctrine of obviousness–type double patenting as being unpatentable over claims 1–10 of copending Application No. 09/973579 in view of Karaoguz et al (2002/0059434).

Regarding to claims 21–28, are rejected by the claims 1–10 of the copending application No. 10/794137 except for Local Area Network (LAN).

Karaoguz discloses that short range is LAN (see section [0009]).

Therefore, it would have been obvious for one skill in the art to implement the substrate, as taught by Karaoguz into the claims 1–10 of No. 09/973579, so that the substrate/device is able to communicate widely with the short range wireless network including Local Area Network (LAN).

***Claim Rejections – 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 7-12, 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karaoguz et al (2002/0059434), previously cited, in view of Glebov et al (6,603,915), newly-cited.

As per claims 1, 11 and 21, see figures 2-4, and sections [0012], [0038] to [0049], Karaoguz et al discloses a system/method (see figure 3) which comprises:

- a processor (66);

- a multimode wireless device comprising:

  - an analog portion including:

    - a first radio core (68) which can be configured as a cellular radio core (see [0012]);

    - a radio sniffer (72, 68) for detecting and passing cellular radio signals being receiving by antenna (68);

a second radio core (70) which can be configured as a short-range wireless transceiver core (see [0012]);

a digital portion including:

a processor core (60, 62) handling a plurality of wireless communication protocols; a memory (84); and plurals of processors (60,62);

a program storage device (80, 82, 84) (see figure 4); and

an input recognizer (82), embodied in said program storage device, to receive an input from a user.

Karaoguz et al does not disclose whether said analog portion and said digital portion are integrated on the same substrate and multiple Digital Signal Processor (DSP) and multiple CPU.

Glebov et al teaches that radio frequency devices and digital devices can be all on the same substrate with multiple DSP and CPU (see col. 8, lines 14–28).

Therefore, for an application, it would have been obvious for a person skilled in the art, when building Karaoguz et al invention, to integrate said analog portion and said digital portion on the same substrate, as taught by

Glebov et al, so that the fabrication/manufacture cost of the system would be reduced.

As per claims 2 and 12, Karaoguz et al discloses that the system can conform with a Bluetooth protocol (see [0012]).

As per claims 7, 16 and 17, Karaoguz et al disclose that said processor core includes plurals of processors (60, 62).

As per claims 8–10 and 18–20, 22–23, Karaoguz et al discloses a router (64) coupled to the processor core, the cellular radio core, and the short-range transceiver core wherein the router comprises an engine that tracks destinations of information packets and sends them in parallel through a plurality of separate path ways on plural of channels (60, 62) (see figure 3).

As per claim 24, Karaoguz et al disclose further comprising communicating data via the short-range wireless medium while in a local area network and communicating data via the cellular radio medium while outside the local area network (see Fig. 1).



As per claim 25, Karaoguz et al does not specifically disclose comprising powering down/turning off the short-range wireless transceiver while communicating data via the cellular radio medium.

However, he discloses comprising powering down/turning off the blue tooth wireless transceiver while communicating data via the Home RF wireless transceiver (see section 0063)).

Therefore, it would have been obvious for one skilled in the art to implement the powering down/turning off mode so that the device is able to save the power.

As per claim 26, Karaoguz et al disclose further comprising searching for a short-range wireless medium signal during an idle time of the cellular radio core (see Fig. 1, section [0035]).

As per claims 27 and 28, Karaoguz et al disclose further comprising transmitting a deregistration message to a cellular system if the short-range wireless medium signal is found and transmitting a registration message to a LAN/Home RF (see section [0009]–[0013]).

***Response to Arguments***

7. Applicant's arguments with respect to claims 12, 7-12 and 16-28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703)305-8635. The examiner can normally be reached on 8:00-16:30.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanh D. Phu  
Examiner  
Art Unit 2682

SP



VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600